

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WESTPORT INSURANCE CORPORATION.

Plaintiff,

- against -

THE HAMILTON WHARTON GROUP, INC., WALTER B. TAYLOR,  
individually,

and

INTER-COMMUNITY MEMORIAL HOSPITAL OF NEWFANE, INC.,  
INTEGRATED CARE SYSTEMS, LLC, A&T HEALTHCARE, LLC; AARON  
SELIGSON, MARTIN S. ROTHMAN, ABRAHAM V. FRIEDMAN, ESTATE OF  
HERBERT A. ROTHMAN, ESTATE OF BERNARD FEUER, PARTNERS d/b/a  
BROOKHAVEN BEACH HEALTH RELATED FACILITY; AARON SELIGSON,  
MARTIN S. ROTHMAN, ABRAHAM V. FRIEDMAN, ESTATE OF HERBERT A.  
ROTHMAN, ESTATE OF BERNARD FEUER, PARTNERS d/b/a ROCKVILLE  
RESIDENCE MANOR; AMERICAN GERI-CARE, INC.; BEZALEL NURSING  
HOME COMPANY, INC.; CREATIVE LIFESTYLES, INC.; PREFERRED  
HEALTH CARE SERVICES INC. n/k/a COTTAGE HOMECARE SERVICES,  
INC.; EAST NEW YORK URBAN YOUTH CORPS; E.R.N.H. a/k/a EAST  
ROCKAWAY NURSING HOME; ELMHURST CARE CENTER, INC.; GEORGE  
KATZ AND SUZIE KLEIN d/b/a THE NEW BRIGHTON MANOR OF LONG  
BEACH HOME FOR ADULTS; GREATER NEW YORK HOME CARE  
SYSTEMS, INC.; HIGHLAND CARE CENTER, INC.; HUDSON VALLEY HOME  
CARE, INC.; KESER NURSING & REHABILITATION CENTER, INC.; LOGAN  
& LOGAN, INC. f/k/a CEDAR LODGE NURSING HOME; NEW SOUTH SHORE  
MANOR; NEW YORK COUNTY SERVICES REVIEW ORGANIZATION;  
NYACK MANOR NURSING HOME; OYSTER BAY MANOR SENIOR  
RESIDENCE, INC.; PERSONNEL MANAGEMENT SERVICES, LLC; QUALITY  
HEALTHCARE, INC.; ROYAL HEALTH CARE SERVICES, INC.; ST.  
MICHAEL'S HOME; THE DENNELISSE CORPORATION; THE ESTATE OF  
PAUL C. MAGGIO d/b/a PATCHOGUE NURSING CENTER; UNIQUE PEOPLE  
SERVICES, INC.; UNITED PRESBYTERIAN AND REFORM ADULT  
MINISTRIES d/b/a FLUSHING HOUSE; PRAXIS HOUSINGINITIATIVES, INC.;  
PRAXIS HOUSING INITIATIVES d/b/a THE BARBOUR HOTEL;  
ALTERNATIVE STAFFING, INC.; B&H HEALTHCARE SERVICES, INC. d/b/a  
NURSING PERSONNEL; BARKSDALE MANAGEMENT CORP.; BRIARWOOD  
MANOR, INC.; BRONXWOOD HOME FOR THE AGED, INC.; CARING  
PROFESSIONALS, INC.; CEDAR MANOR, INC.; COHME, INC.; CROWN  
NURSING HOME ASSOCIATES, INC.; DENTSERV DENTAL SERVICES, P.C.;  
DESMOND MCMANUS d/b/a BAYSHORE HOME FOR ADULTS; TELFORD  
HOME ASSISTANCE, INC. d/b/a EXTENDED CARE HEALTH SERVICES;  
EXTENDED NURSING PERSONNEL CHHA, INC.; GEM HEALTH CARE  
EMPLOYMENT AGENCY, INC.; HOLLISWOOD CARE CENTER, INC.;  
INTERIM HOUSING, INC.; MEADOWBROOK CARE CENTER, INC.; NASSAU-  
SUFFOLK HOME CARE & AIDES, INC.; RECREATIONAL SERVICES, INC.;  
UNION PLAZA NURSING HOME, INC.; VISITING NURSE REGIONAL  
HEALTH CARE SYSTEM, INC.; and WEST SIDE FEDERATION FOR SENIOR  
AND SUPPORTIVE HOUSING, INC.;

Defendants.

Docket No. 10 CV  
2188 (RMB)

NOTICE OF  
FILING OF  
APPEAL BOND

THE HAMILTON WHARTON GROUP, INC. and WALTER B. TAYLOR,  
individually,

Third-Party Plaintiffs,

- against -

IAAC, INC. and INDEPENDENT INSURANCE AGENTS & BROKERS OF NEW  
YORK, INC.,

Third-Party Defendants.

Plaintiff-Appellant, WESTPORT INSURANCE CORPORATION, by its attorneys, Walker, Wilcox, Matousek and Garbarini & Scher, P.C., hereby advise you that it filed the attached appeal bond with the United States District Court for the Southern District of New York on May 19, 2011.

Dated: New York, New York  
May 25, 2011

Yours, etc.,

GARBARINI & SCHER, P.C.

By: 

Gregg D. Weinstock (GW-8078)  
Attorneys for Plaintiff  
432 Park Avenue South, 9<sup>th</sup> Floor  
New York, New York 10016-8013  
gweinstock@garbarini-scher.com  
(212) 689-1113

Walker, Wilcox, Matousek  
225 W. Washington Street, Suite 2400  
Chicago, IL 60606-3418  
Attn: James W. Kienzle, Esq.

TO: STROOCK, STROOCK & LAVAN, LLP  
Attorneys for Defendants  
*The Hamilton Wharton Group, Inc. and  
Walter B. Taylor*  
180 Maiden Lane  
New York, New York 10038  
Attn: Kevin Smith, Esq.  
(212) 806-5594

ZDARSKY, SAWICKI & AGOSTINELLI, LLP  
Attorneys for Defendants  
*Inter-Community Memorial Hospital of Newfane, Inc.  
Integrated Care Systems, LLC*  
404 Cathedral Place  
298 Main Street  
Buffalo, NY 14202  
Attn: Joseph E. Zdarsky, Esq.  
(716) 855-3200

MORITT HOCK HAMROFF & HOROWITZ, LLP  
Attorneys for Defendants  
*Praxis Housing Initiatives, Inc. and  
Praxis Housing Initiatives d/b/a The  
Barbour Hotel*  
400 Garden City Plaza  
Garden City, New York 11530  
Attn: Robert L. Schonfeld, Esq.  
(516) 873-2000

SHAUB, AHMUTY, CITRIN & SPRATT, LLP  
Attorneys for Defendants  
*A&T Healthcare, LLC; Bezalel Nursing Home Company,  
Inc.; Creative Lifestyles, Inc.; The Dennelisse Corporation;  
E.R.N.H. Corporation, Inc. d/b/a East Rockaway Progressive  
Care Facility s/h/a E.R.N.H. a/k/a East Rockaway Nursing  
Home; Elmhurst Care Center, Inc.; Highland Care Center,  
Inc.; Hudson Valley Home Care, Inc.; The New Brighton  
Manor of Long Beach Home for Adults; New South Shore  
Manor; Nyack Manor Nursing Home; Patchogue Nursing  
Center, Inc. s/h/a The Estate of Paul C. Maggio d/b/a  
Patchogue Nursing Center; Royal Health Care Services, Inc.;  
Unique People Services, Inc.; Flushing House United  
Presbyterian & Reformed Adult Ministries, Inc. s/h/a United*

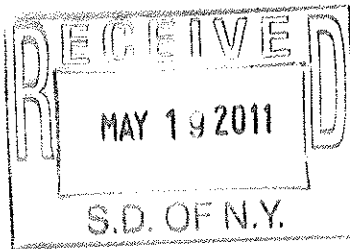
*Presbyterian and Reform Adult Ministries d/b/a Flushing House, and New York County Health Services Review Organization*  
1983 Marcus Avenue  
Lake Success, New York 11042-1056  
Attn: Steven John Ahmuty, Jr., Esq.  
(212) 488-3300

KEIDEL, WELDON & CUNNINGHAM, LLP  
Attorneys for Third-Party Defendants *IAAC, Inc. and Independent Insurance Agents & Brokers of New York, Inc.*  
925 Westchester Avenue, Suite 400  
White Plains, New York 10604  
Attn: Robert J. Grande, Esq.  
(914) 948-7000

GROSS, SHUMAN, BRIZDLE & GILFILLAN, P.C.  
Attorneys for Defendants  
*Alternative Staffing, Inc.; B&H HealthCare Services, Inc. d/b/a Nursing Personnel; Barksdale Management Corp.; Briarwood Manor, Inc.; Bronxwood Home for the Aged, Inc.; Caring Professionals, Inc.; Cedar Manor, Inc.; COHME, Inc.; Crown Nursing Home Associates, Inc.; Dentserv Dental Services, P.C.; Desmond McManus d/b/a Bayshore Home for Adults; Telford Home Assistance, Inc. d/b/a Extended Care health Services; Extended Nursing Personnel CHHA, Inc.; Gem Health Care Employment Agency, Inc.; Holliswood Care Center, Inc.; Interim Housing, Inc.; Meadowbrook Care Center, Inc.; Nassau-Suffolk Home Care & Aides, Inc.; Recreational Services, Inc.; Union Plaza Nursing Home, Inc.; Visiting Nurse Regional Health Care System, Inc.; and West Side Federation for Senior and Supportive Housing, Inc.*  
465 Main Street, Suite 600  
Buffalo, New York 14203  
Attn: R. Scott Atwater, Esq.  
(716) 854-4300

#### NO APPEARANCES FOR DEFENDANTS

*Aaron Seligson, Martin S. Rothman, Abraham V. Friedman, Estate of Herbert A. Rothman, Estate of Bernard Feuer, Partners d/b/a Brookhaven Beach Health Related Facility; Aaron Seligson, Martin S. Rothman, Abraham V. Friedman, Estate of Herbert A. Rothman, Estate of Bernard Feuer, Partners d/b/a Rockville Residence Manor; American Geri-Care, Inc.; Preferred Health Care Services Inc. n/k/a Cottage Homecare Services, Inc.; East New York Urban Youth Corps; George Katz and Suzie Klein d/b/a Greater New York Home Care Systems, Inc.; Keser Nursing & Rehabilitation Center, Inc.; Logan & Logan, Inc. f/k/a Cedar Lodge Nursing Home; Oyster Bay Manor Senior Residence, Inc.; Personnel Management Services, LCC; Quality Healthcare, Inc.; and St. Michael's Home*



Bond 2141759

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

WESTPORT INSURANCE CORPORATION,

Plaintiff,

vs.

THE HAMILTON WHARTON GROUP, INC.,  
WALTER B. TAYLOR, individually,

and

INTER-COMMUNITY MEMORIAL  
HOSPITAL OF NEWFANE, INC., et al.,

Defendants.

District Court Docket No.:  
10 CV 2188 (RMB) (THK)

Appellate Court Docket No.:  
11-1153

Plaintiff/Appellant has appealed from orders of the United States District Court for the Southern District of New York, entered in this matter on February 23, 2011, February 28, 2011, March 2, 2011 and March 31, 2011, and having procured the execution of this instrument for the purpose of complying with the Federal Rules of Civil Procedure and Federal Rules of Appellate Procedure, the undersigned surety acknowledges itself bound and indebted to The Hamilton Wharton Group, Inc. and Walter B. Taylor in the sum of \$206,232.90, to be paid as required by law.

Upon conclusion of this matter, if the Plaintiff/Appellant satisfies the above identified order or any court order modifying or affirming that order and pays all costs, interest and damages for delay that may be awarded, this obligation shall be void; otherwise, it shall remain in force.

North American Specialty Insurance Company

Date: May 12, 2011

By: 

Harold Miller, Jr., Attorney in Fact

## NAS SURETY GROUP

NORTH AMERICAN SPECIALTY INSURANCE COMPANY  
WASHINGTON INTERNATIONAL INSURANCE COMPANY

## GENERAL POWER OF ATTORNEY

KNOW ALL MEN BY THESE PRESENTS, THAT North American Specialty Insurance Company, a corporation duly organized and existing under laws of the State of New Hampshire, and having its principal office in the City of Manchester, New Hampshire, and Washington International Insurance Company, a corporation organized and existing under the laws of the State of New Hampshire and having its principal office in the City of Schaumburg, Illinois, each does hereby make, constitute and appoint:

WILLIAM T. KRUMM, JON A. SCHROEDER, SHARON A. SONDERMAN, MATTHEW V. BUOL,

KAREN E. SOCHA, HAROLD MILLER, JR., MICHAEL R. PESCH and JODIE SELLERS

jointly or severally

Its true and lawful Attorney(s)-in-Fact, to make, execute, seal and deliver, for and on its behalf and as its act and deed, bonds or other writings obligatory in the nature of a bond on behalf of each of said Companies, as surety, on contracts of suretyship as are or may be required or permitted by law, regulation, contract or otherwise, provided that no bond or undertaking or contract or suretyship executed under this authority shall exceed the amount of:

TEN MILLION (\$10,000,000.00) DOLLARS

This Power of Attorney is granted and is signed by facsimile under and by the authority of the following Resolutions adopted by the Boards of Directors of both North American Specialty Insurance Company and Washington International Insurance Company at meetings duly called and held on the 24<sup>th</sup> of March, 2000:

"RESOLVED, that any two of the Presidents, any Managing Director, any Senior Vice President, any Vice President, any Assistant Vice President, the Secretary or any Assistant Secretary be, and each or any of them hereby is authorized to execute a Power of Attorney qualifying the attorney named in the given Power of Attorney to execute on behalf of the Company bonds, undertakings and all contracts of surety, and that each or any of them hereby is authorized to attest to the execution of any such Power of Attorney and to attach therein the seal of the Company; and it is

FURTHER RESOLVED, that the signature of such officers and the seal of the Company may be affixed to any such Power of Attorney or to any certificate relating thereto by facsimile, and any such Power of Attorney or certificate bearing such facsimile signatures or facsimile seal shall be binding upon the Company when so affixed and in the future with regard to any bond, undertaking or contract of surety to which it is attached."



By

Steven P. Anderson, President & Chief Executive Officer of Washington International Insurance Company  
& Senior Vice President of North American Specialty Insurance Company



By

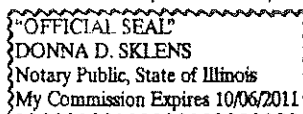
David M. Layman, Senior Vice President of Washington International Insurance Company  
& Vice President of North American Specialty Insurance Company

IN WITNESS WHEREOF, North American Specialty Insurance Company and Washington International Insurance Company have caused their official seals to be hereunto affixed, and these presents to be signed by their authorized officers this 26<sup>th</sup> day of October, 2010.

North American Specialty Insurance Company  
Washington International Insurance Company

State of Illinois  
County of Cook ss:

On this 26<sup>th</sup> day of October, 2010, before me, a Notary Public personally appeared Steven P. Anderson, President and CEO of Washington International Insurance Company and Senior Vice President of North American Specialty Insurance Company and David M. Layman, Senior Vice President of Washington International Insurance Company and Vice President of North American Specialty Insurance Company, personally known to me, who being by me duly sworn, acknowledged that they signed the above Power of Attorney as officers of and acknowledged said instrument to be the voluntary act and deed of their respective companies.



*Donna D. Sklens*

Donna D. Sklens, Notary Public

I, James A. Carpenter, the duly elected Assistant Secretary of North American Specialty Insurance Company and Washington International Insurance Company, do hereby certify that the above and foregoing is a true and correct copy of a Power of Attorney given by said North American Specialty Insurance Company and Washington International Insurance Company, which is still in full force and effect.

IN WITNESS WHEREOF, I have set my hand and affixed the seals of the Companies this 12 day of May, 2011.

*James A. Carpenter*



SURETY ACKNOWLEDGMENT (ATTY-IN-FACT)

State of Illinois }  
 County of DuPage } ss:

On this 12 day of May in the year two thousand 2011 before me,  
 Joan B. Ward, a Notary Public in and for said County and State, residing therein, duly  
 commissioned and sworn, personally appeared Harold Miller Jr., known to me to be  
 the duly authorized Attorney-in-fact of the North American Specialty Insurance Company and the same person  
 whose name is subscribed to the within instrument as the Attorney-in-fact of said Company,  
 and the said Harold Miller Jr. duly acknowledged to me that he subscribed the name of  
 the North American Specialty Insurance Company thereto as Surety and his own name as Attorney-in-fact.  
 IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day  
 and year in this Certificate first above written.

My Commission Expires

10/29/2013

Joan B. Ward  
 Notary Public in and for

DuPage

County, State of

Illinois

